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# Constructions of Authenticity

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## ABSTRACT

Archivists and librarians play a critical role in preserving and making accessible cultural resources, but there is now an uncertainty as to whether their traditional expertise is sufficient when dealing with digital resources. A particular focus of concern is the authenticity of these resources. This article looks at how the concept of authenticity has been constructed in traditional environments, and specifically by philosophers, art conservators, textual critics, judges, and legislators. It is organized around three broad definitions of authenticity: authentic as true to oneself; authentic as original; and authentic as trustworthy statement of fact.

The examination of these definitions of authenticity and their interpretation in different contexts suggests that authenticity is best understood as a social construction that has been put into place to achieve a particular aim. Its structures and goals vary from one field to the next and from one age to another. The article concludes that digital resources are comparable to traditional cultural resources such as art works, literary texts, and business records; they are in a continuous state of becoming and their authenticity is contingent and changeable.

## INTRODUCTION

The digital medium is becoming the preferred environment in which to create materials that will become a part of our historical and cultural legacy. Although there are structures in place to help ensure the preservation of these resources in the traditional formats of parchment and paper,

the most recent shift in the technological medium has prompted questions about how the world's digital heritage can be preserved, protected, and made available for current and future generations.<sup>1</sup> One particular focus of scholarly concern is the authenticity of these digital resources.<sup>2</sup>

The apparent ease with which documents and images can be manipulated in the digital environment has unsettled those whose task it has been to protect the trustworthiness of these materials, namely archives and libraries. On the whole, these institutions have been considered trustworthy repositories; by extension, their holdings are presumed authentic unless proven otherwise (Smith, 2003, p. 181).<sup>3</sup> This trust has been built on centuries of social, cultural, and political negotiations among archives and libraries, their governing bodies, and the public. It is this trust— or more specifically, the conventions for establishing and sustaining this trust—that is now under question. As more holdings become computerized, can the trust that was established in a paper-based environment be sustained? Archivists and librarians have played a critical role in preserving and making available for use cultural resources, but there is now uncertainty as to whether their traditional expertise is sufficient when dealing with digital materials.<sup>4</sup>

Research and reflection on the preservation of authentic digital materials has tended to focus on the identification and elaboration of procedural or technological criteria for assessing and protecting the trustworthiness of those resources.<sup>5</sup> This article takes a different approach. It will explore how the notion of authenticity has historically been used in different ways, in different contexts, and for different ends.

The following discussion of authenticity is organized according to three broad categories that are based on definitions drawn from the *Oxford English Dictionary* (2006): (1) authentic as true to oneself; (2) authentic as original; and (3) authentic as trustworthy statement of fact. The first category has been the focus of philosophers who associate authenticity with a mode of human existence that is generally understood as “being true to oneself.” Because being authentic entails not living in imitation of someone else, what constitutes authenticity is different for each person. The second category—authentic as original—is of great interest to art conservators and textual critics. In the art world, authenticity is no longer about whether an individual is being true to himself or herself, but whether an object is true to its origins. Authenticity here entails a complex consideration of the intent of the artist, the purpose of the object, and the circumstances of its history. Meanwhile, in literary studies, the authentic text is an editorial construction of an ideal, and is thus based on subjective decisions about what the author may have intended, even if those ambitions were never realized. The last category—authentic as trustworthy statement of fact—is a concern of the common law of evidence. Authenticity in this context is associated with the truth-value of re-

cords as reflections of a determinate reality and it revolves around the notion of truth as probability.

What will become clear is that, in each category, authenticity is understood as a social construction that has been put into place to achieve a particular aim. The structures and goals of authenticity vary from one discipline to another and from one age to another. On the basis of these different disciplinary perspectives, the article will propose a more nuanced understanding of authenticity with which to approach the management of digital resources.

### AUTHENTIC AS TRUE TO ONESELF: A HUMAN CONDITION

*7. Belonging to himself, own, proper. Obs. 8. Acting of itself, self-originated, automatic*<sup>6</sup>

Authenticity became the center of many discussions in the eighteenth century, when scholarly attention began to shift to the role of the individual. One of the issues with which philosophers struggled was how an individual could maintain his or her distinctness while living in society. There was some fear that the pressures exerted by societal norms would dilute the individual sense of self that people were thought to possess. Jean-Jacques Rousseau most notably recognized how social interaction could drown out the inner voices of individuals (Rousseau, 1782/1979, 1754/1984; also Herder, 1774–1791/1800). He argued that the desire to be considered worthy by others—pride, or even vanity—can become so overwhelming that people begin to lose contact with who they are as individuals. In this way, worldly pressures and external influences undermine the ability of an individual to focus on developing and sustaining knowledge of him- or herself.

Authenticity, in this sense, is a manner of being. To be authentic is to perceive oneself with clarity by discovering how one ought to be, and to strive to live in accordance with this directive. We each have a capacity for living a life in a way that is specifically our own. Because each individual is endowed with a potentiality that is unique, what constitutes authenticity—how and what it means to actualize that potentiality—cannot be strictly defined. As Charles Taylor (1992) puts it, “There is a certain way of being human that is *my* way. I am called upon to live my life in this way, and not in imitation of anyone else’s” (pp. 28–29). Authenticity is a way, a mode, a method. It means something different to each individual and therefore is different for each individual.

Through the following centuries, the concept of authenticity was refined and developed in a number of ways.<sup>7</sup> Søren Kierkegaard (1843/1983) notably combined the idea with Christian faith, while Friedrich Nietzsche (1883/1993, 1872/2000) enfolded it into literary narrative. One of the most influential discussants of authenticity in the twentieth century was

Martin Heidegger. Like his predecessors, Heidegger believed that authenticity constituted the human struggle to reach self-recognition and self-understanding. In *Being and Time*, Heidegger attempted to create an ontological system that would identify authenticity and the strategies by which one could achieve an authentic existence.

Heidegger draws attention to the significance of social, cultural, and historical context for the authenticity of being. In contrast to earlier writers who considered the material world to be a distraction from the pursuit of self-knowledge and the authentic life, Heidegger argues that authenticity is inseparable from the world. Authenticity itself is bound up in the same discursive framework as the exploration of self. It is thus contingent upon the particular social and historical circumstances of each person who seeks it, and indeed contingent upon life itself (Heidegger, 1927/1980, II.i.263–264).

Heidegger points out that changes in our environment prompt corresponding changes in ourselves. What it means to be you or me can transform, depending upon our daily experiences. Consequently, what it means to be authentic must change. Authenticity is therefore not an object that can be held, or a condition that can be achieved; the authentic “me” does not exist as a static state of being, but is in a constant process of becoming. Authenticity is thus an anticipation, a process, and a continuous struggle (Heidegger, 1927/1980, II.i.266).

Because authenticity could not be defined with any great detail or rigor, the concept was naturally open to much interpretation and criticism. By the latter part of the twentieth century, it had become a well-worn term in the hands of existentialist thinkers such as Jean-Paul Sartre and Albert Camus.<sup>8</sup> In 1962, Theodor Adorno identified a rupture between the terminology of authenticity and what it was meant to signify. For Adorno, authenticity was no longer communicative as an idea. Divested of any meaning, the notion of authenticity became transcendent, objectified, and idealized. Adorno (1962/1973) writes, “The fallibility of the term is hushed up by the absolute use of the word. . . . [T]he term establishes itself as a linguistic eyrie of totalitarian orders” (p. 8). Adorno argues that the concept of authenticity had become so idealized that any notion of subjectivity that had traditionally been associated with it was lost. He describes the way in which the term *authenticity* erases the complex negotiations by which it gained any currency, and is replaced by an empty marker that is taken to be an objective standard.

From this brief overview, we should take with us two important and related characteristics of authenticity: contingency and change. Historically situated, authenticity is sensitive to differences in individual cases and contexts, and is therefore necessarily marked by change. The conventions of authenticity are always in flux, responding to changes in the world in which it is embedded. As a consequence, authenticity is itself in a

process of becoming. The following section will further problematize the notion of authenticity by exploring how works of art and literature can be the subjects of multiple and equally valid authenticities.

### AUTHENTIC AS ORIGINAL

*4. Original, first-hand, prototypical; as opposed to copied. Obs; 5. Real, actual, 'genuine.' (Opposed to imaginary, pretended.) arch.; 6. Really proceeding from its reputed source or author; of undisputed origin, genuine.*

#### *Art Works*

In his 1936 essay "The Work of Art in the Age of Mechanical Reproduction," Walter Benjamin argues that authenticity is crucially linked to the existence of an original work of art. An original work of art has an aura that is made up of the cumulative tradition that runs from its conception to its present state. This aura is specific to the original piece, and constitutes its authenticity. As Benjamin (1936/1968) explains, "The authenticity of a thing is the essence of all that is transmissible from its beginning, ranging from its substantive duration to its testimony to the history which it has experienced" (p. 221). The authenticity of an art object is composed of the identity of the piece, as well as its particular context and history; it is its presence in time and space (p. 220).

In Benjamin's account of the relationship between authenticity and art objects, the aura of the original defies reproducibility and implies fidelity to the original intentions of the artist and to the passage of time. The question that remains is, how, in practical terms, is that aura to be preserved in the physical work of art? In the world of art conservation, the two dimensions of an original work's aura are viewed as competing rather than complementary. To restore an art object to its original condition requires that the conservator destroy the evidence of the passage of time on the object; to preserve that evidence, on the other hand, is to obscure the object's origins and, therefore, the artist's intentions—what he or she wanted the spectator to see.<sup>9</sup>

The debate within the community of art conservation fuelled by the recent restoration of the Sistine Chapel illustrates the difficulty that art conservators face in attempting to reconcile fidelity to original intentions with fidelity to the passage of time. The restoration of the Chapel, a fourteen-year project that was completed in 1994, raised two fundamental issues: firstly, what were Michelangelo's original intentions? And, secondly, given the centuries-old history of the Sistine Chapel frescoes, what parts of that history should be preserved?

The first issue—Michelangelo's intentions—was raised in the context of the radical cleaning of the frescoes on the ceiling of the Sistine Chapel. Defenders of the project maintained that, by removing the "grime of the centuries" (the layers of dirt, soot, glue, and overpaint that had accreted

over time), the cleaning had restored the colors of the frescoes to their original brightness and vibrancy, revealing the Sistine ceiling as Michelangelo himself saw it and as he intended the spectator to see it (Brandt, 1987, 1993). Critics of the cleaning, however, insisted that what the conservators pejoratively termed “grime” constituted an integral part of Michelangelo’s creation. Moreover, James Beck and Michael Daley (1993, pp. 63–102) rejected the conservators’ contention that the glue paint on the ceiling was the work of earlier restorers, arguing that Michelangelo himself had deliberately added this layer on top of the original frescoes to reduce the effect of color and to create an illusionistic scheme that relied on shadow to achieve the overall perceptual effect. By stripping away all the layers of toning paint down to the frescoed plaster, they contended, the conservators had stripped the frescoes of intentionality.

The second issue—determining what parts of the history of the frescoes should be preserved—emerged in connection with the restoration of the fresco of the Last Judgment by Michelangelo, which decorates the wall behind the high altar in the Sistine Chapel. When it was first unveiled in 1541, the Last Judgment provoked immediate controversy. The Congregation of the Council of Trent declared it to be full of “indecent nudes” and “a thousand heresies”; on January 21, 1564, the Council issued a decree ordering that those parts of the fresco that were deemed obscene be covered. Between 1565 and 1566, twenty-three of the nude figures were covered in loincloths; in subsequent centuries, another eighteen were added, and in the nineteenth century, the total number of loincloths reached forty-one (Mancinelli, 1997, pp. 172–175; Colalluci, 1997, p. 194).

During the restoration project, these so-called “censorial draperies” were the subject of considerable debate among conservators. Some argued that all the draperies should be removed, while others argued for their complete preservation on the grounds of their historical value. In the end, most of the loincloths that were documented to have been added after 1750 were removed. Gianluigi Colalluci, the Chief Restorer of the Vatican Museums at the time of the restoration, explained the rationale for the decision in the following way: “The censorial interventions of the sixteenth century were conserved, because they were considered historical documents of real importance to the Council of Trent and the Counter-Reformation. Later draperies were generally removed, because they were not seen as historical documents, since nothing survives to indicate the source of the decision to add them” (1997, p. 197). The conflicting intentionalities that intersect across Michelangelo’s work in the Sistine Chapel are a part of the tradition of authenticity discussed by Benjamin. But in the example described above, part of this tradition is deemed to be inauthentic.

The issues that emerged in the course of the restoration of the Sistine

Chapel highlight what David Lowenthal (1986) refers to as “the all-too familiar perplexities” surrounding the determination of intentionality, including:

How to ascertain or adjudicate conflicting evidence about a long-gone author’s aim; which individual or epoch to adhere to in a work of multiple authorship, prolonged creation, or massive restoration; how to convey original aims when aging or accident have irreversibly altered a work of art or when modern experiences and expectations render the artist’s aim *outré* or banal. . . . Indeed, to communicate any past intention it must be revised in the language of the present, and to that extent rendered inauthentic. (p. 844)

These perplexities are inevitable because the surviving evidence of authorial intentionality is limited and ambiguous. The competing claims concerning Michelangelo’s intentions, for example, are based on very little evidence about what those intentions might have been; little is known about Michelangelo’s actual working method. Furthermore, since all his surviving frescoes are in the Sistine Chapel and the adjacent Pauline Chapel, it is impossible to compare those frescoes with others by him that might have survived under “less dirty” conditions than those in the Vatican (Colalluci, 1997, p. 192).

Moreover, even if Michelangelo’s intentions could be known, some critics maintain that they would still need to be balanced against subsequent intentions that have transformed his art work over time. Joseph Grigely (1995), for example, argues: “The very idea of the artist’s intentions being a locus of conservation efforts cannot substantiate itself among the conflation of different intentions of different participating authorities at different times” (p. 87). Any work of art is subject to what he calls “continuous and discontinuous transience”—variation, drift, rupture—and this transience is as integral to the authenticity of a work of art as the original intentions of the artist. The late twentieth-century restoration of the Sistine Chapel is, itself, one such act of transience. In the eyes of some critics, the conservators’ rationale for retaining the Counter-Reformation draperies is inconsistent with the overall rationale for the Sistine restoration project, which was the recovery of Michelangelo’s intended work.<sup>10</sup> Grigely, on the other hand, maintains that, “however inconsistent this is, it shows how the conservation treatment itself is yet another act of historical transience, one that neither more nor less than previous treatments reflects the ideologies and intentions of those interacting with the work” (1995, p. 69). Like Benjamin, Grigely believes that the particular history of the art work, here including acts of conservation, are a part of the aura and the tradition of authenticity that accumulates around the original object.

Grigely’s observations make clear that a work of art is not necessarily fixed at a single point in time; its survival and ongoing preservation mean

that, in an important sense, it is in a continuous state of becoming. As the piece of art ages, it is resituated and recontextualized. Moreover, if we accept that a work of art supports different intentions over time, we must also admit the possibility that such work can possess different authenticities over time. If that is the case, the authenticity of an art work, like Heidegger's authenticity of self, can only be understood within an ever-changing discursive framework. Thus, the authenticity of the art work is also necessarily in a continuous state of becoming. The "authentic" art work, in other words, does not exist outside of the discursive framework of conservation theory and practice. By these lights, conservators do not preserve or restore the authenticity of an art work so much as they construct and reconstruct that authenticity in accordance with their understanding of the nature of art works and current conventions for treating them.<sup>11</sup> That understanding is shaped, in turn, by the role of museums in the preservation of cultural heritage, and their role also changes over time.

Seeing the authenticity of an art work as a contingent and changeable construct of art conservators and museums, rather than a quality that inheres in the art work itself, does not result in the surrender of belief in authenticity as a rationale for the conservation of art works; it simply indicates the need to historicize the meaning of authenticity and reposition it in relation to the nature and purpose of art conservation. It also calls attention to the need to resist the temptation to elevate authenticity to an idealized and objective standard that transcends history and contingency. It was just such elevation that, according to Adorno, had emptied the concept of meaning in the last century.

### *Literary Texts*

Like art conservators, textual critics disagree about the relative authority of original and subsequent intentions in establishing the authenticity of a literary text. The disagreement is manifested most strikingly in the different objectives underlying the two major approaches to the scholarly editing of modern texts. In the "authorial" school, the original intention of the author is the prevailing consideration in assessing the authenticity of the text. By contrast, the "sociological" or "collaborative" approach displaces the authority of the author in the interpretation of text in favor of a dynamic notion of authenticity that depends on a particular reader, a particular instantiation of the text, and the particular context in which it is being read. In both cases, we shall see that the validity of authenticity in literary texts continues to be debated, and indeed the very meaning of an authentic text continues to change.

Textual criticism has its origins in the historical criticism of biblical and classical texts. There are no autograph manuscripts of the classical authors; any copies that were written in hands of the authors have been



lost. As a consequence, there is little evidence from which to reconstruct their intentions. Classical philologists thus seek “to recover, or approximate by historical reconstruction, the lost original works of ancient authors” (McGann, 1983, p. 23). To do so, scholars rely on versions of the texts in manuscripts that were copied subsequent to the composition of the original text. These manuscripts are of varying quality, having been subject to physical deterioration, errors in transcription, or even deliberate modification. The work of many early philologists involved establishing the relationships of the manuscripts, and examining and emending their texts according to the dominant reading or to the earliest known copy of the text.<sup>12</sup> The appeal to the earliest copy as the most authentic witness of a text is based on the assumption that the closer the manuscript is to the lost original, the less likely it is to have been exposed to corruption. As we shall see in the next section, this same logic is used in the process of fact-finding in law.

The emphasis on the intentions of the author is continued in the criticism of modern literary texts most robustly by the Anglo-American school of “eclectic” critical editions. Like their counterparts who study classical texts, the goal of these critics is to reconstruct the text as it was intended by its author. As Jerome McGann (1983) explains:

The idea of a finally intended text corresponds to the “lost original” which the textual critics of classical works sought to reconstruct by recension. Both are “ideal texts”—that is to say, they do not exist in fact—but in each case the critics use this ideal text heuristically, as a focusing device for studying the extant documents. Both classical and modern editors work toward their ideal text by a process of recension that aims to approximate the Ideal as closely as possible. (p. 56)

The difference between the scholar of classical texts and the modern critic is, according to McGann (1983), that the modern critic “actually possesses the ‘lost originals’ [in the sense of extant authorial manuscripts], which the classical critic is forced to hypothesize” (p. 57). Consequently, the modern critic’s concept of an ideal text is “a pure abstraction, whereas the classical critic’s ideal text remains, if ‘lost,’ historically actual” (p. 57). The difference is attributable to the fact that critics working within the modern eclectic tradition believe that the medium of literature is the words of a language, not the physical carrier of those words; a literary work is thus physically non-specific, existing in multiple artifacts but not located in any single instantiation. Thus, the ideal text that the eclectic critic reconstructs is a material artifact that seeks to approximate the abstract work (Tanselle, 1989, pp. 25–30).

The eclectic theory of critical editions posits that the final intentions of the author are, inevitably, corrupted by transmission: copy editors alter the author’s punctuation and spelling; friends and relatives revise typescripts and page proofs; publishers subtract and add material to new

editions, with or without the author's permission; authors themselves obsessively correct and revise their texts, sometimes in contradictory ways, sometimes in response to external pressures, and so forth. Thus, the task of the textual critic is to reconstruct, from among the many "corrupt" variants of a literary text that have existed over time, the authentic text, namely, the one that best embodies the final intentions of the author. The text is then contextualized through the preparation of a critical apparatus, which contains notes and commentary on the text, the history of its variants, as well as the chronology of the life and works of the author.

A brief enumeration of some of the variant versions of *Ulysses* by James Joyce that were in circulation between 1918 and 1936 illustrates the challenges textual critics face when attempting to reconstruct the finally-intended text through an eclectic critical edition.<sup>13</sup> Included among those versions are: five sections of the novel that appeared in *The Egoist* in 1919; parts of the book that appeared in serial form in *The Little Review* between 1918 and 1920; draft versions of earlier sections of *Ulysses*, given or sold to well-wishers by Joyce during that same time period; a significantly revised and corrected copy of the versions sent to the two magazines that was supplied by Joyce to Maurice Darantière, the printer contracted by Shakespeare and Company, which was the publisher of the first limited edition of *Ulysses*; the first limited edition of *Ulysses* published in 1922 and, according to Joyce, replete with printer's errors; a second limited edition brought out later the same year with an errata page listing emendations by Joyce but still plagued with errors owing to Joyce's poor eyesight; a 1924 Shakespeare and Company unlimited edition containing additional "corrections"; a 1922 and 1923 *Egoist* Press limited edition; a holograph manuscript of *Ulysses*, which Joyce had sold to a New York lawyer who had, in turn, auctioned it off in 1924 to a Dr. A. Rosenbach; an Odyssey Press edition that appeared in Hamburg in 1932, having been shepherded through the press by Joyce's friend Stuart Gilbert; a 1935 Limited Editions Club version, with illustrations by Matisse and "corrections suggested to Mr. Gilbert by James Joyce himself"; the first unbanned American edition published by Random House in 1934; and the Bodley Head edition brought out in 1936 that had been proofed by Joyce the previous summer. From these and later versions, and by drawing on additional sources such as letters and diaries, the textual critic is expected to reconstruct the authentic, ideal *Ulysses*—that is, the one that embodies Joyce's final intentions most clearly.

Eclectic critical editions thus aim to reconstitute an "original" text that never existed except, perhaps, in the mind of the author. G. Thomas Tanselle (1989), a staunch defender of eclectic editing, maintains that, even if an ideal text never physically existed prior to its reconstitution in an eclectic edition, the inferred authorial intentions that shape it have as legitimate a claim to historical reality as do the texts that were finally

published; he concedes, however, that these intentions are more difficult to locate: "If we grant that authors have intentions and therefore that the intentions of past authors are historical facts, we require no further justification for the attempt to recover those intentions and to reconstruct texts reflecting them, whatever our chances of success may be" (p. 76). Tanselle's comments make clear that for textual critics working in the tradition of eclectic editions, the authentic text is the one that reveals the single, creative mind that provided the impetus for the literary work: the mind of the author. From their perspective, restoring the text to an imagined historical moment before the onset of corruption is the way to reveal that mind.

By contrast, textual critics who adopt a sociological approach to the editing of literary texts hold a different view on the value of the intention of the author. Influenced by the theories of Jacques Derrida (1982), Stephen Mailloux (1982), Michel Foucault (1984), and Roland Barthes (1977), who rejected the notion of determinate meaning and questioned the importance of the author in the interpretation of texts, these scholars eschew the eclectic approach to textual criticism and shift interpretative authority onto the reader. From their perspective, "texts are produced and reproduced under specific social and institutional conditions and hence . . . every text, including those that may appear to be purely private, is a social text" (McGann, 1991, p. 21). The interpretation of texts is not closed, but rather is an open-ended conversation among author, editor, publisher, and reader.

The implications of this perspective can be summarized as follows: the production of a literary text is not the individual endeavor of an author but a collaborative enterprise between and among the author, editors (including the editors of critical editions), publishers, and readers; variant versions of a text are not "corruptions" to be eliminated but, rather, legitimate textual formations worth studying in their own right; the meaning of a literary text is shaped not only by its "linguistic code" (i.e., its language) but, also, by its "bibliographic code" (i.e., its physical embodiment and context); finally, the primary task of the textual critic is not to reconstruct authorial intentions through the establishment of a single definitive text but, rather, to reveal the complex and open-ended histories of textual change and variance through the presentation of multiple texts.

Textual scholarship in the wake of McGann and others<sup>14</sup> emphasizes the instability of texts, foregrounding:

The cause of contingency in the double sense both of the text itself being historically contingent, in its circumstances of production and reception, and of it being contingent in its (re-)construction in the present. Such considerations work against conceptualizing the text as an ahistorical transcendent monument, or even as a transhistorical one, and instead promote a view of it as historically situated both in its original creation and in its later constructions. (Bornstein, 1993, p. 2)

Some sense of what is entailed in the idea of textual instability is provided by Hans Walter Gabler's synoptic and critical edition of Joyce's *Ulysses* published in 1984. The edition is arranged with Joyce's manuscript text (the synoptic edition) running consecutively on the edition's left-hand pages, or versos, with a parallel reading text (the critical edition) running consecutively on the right-hand pages, or rectos. The verso pages show the text in various stages of composition while the recto pages show the critically established text, or, the text at its "ultimate level of compositional development" (Gabler, 1984, p. 1903). The editorial judgements on which the established text is based are defended in the footnoted apparatus and the appended textual notes.

The most innovative feature of the edition is its synoptic presentation of *Ulysses* as it moves from manuscript to print (Gabler, 1984, p. 1901). The "continuous manuscript" text is displayed synoptically by a diacritical system of notation that analyzes its layers of growth. The dynamics of textual development (i.e., the continuous process of writing and rewriting) are symbolized as deletions, additions, and replacements; additional symbols show at what stage in the composition process the revisions were carried out and where in the manuscript material they are located (Gabler, 1984, pp. 1901–1903). In this way, the link between text and apparatus is made visible and explicit to the user.

The side-by-side placement of the synoptic and established texts also allows the reader to observe the process by which one reading is marginalized by another (McGann, 1985, p. 300). The marginalized reading of the synoptic text is not erased by the dominant reading of the established text. Rather, the two readings are situated historically in relation to each other. As a result, the marginalized and dominant readings may be seen simply as two different readings, rather than as "error" and "correction" (McGann, 1985, p. 300). Moreover, by laying bare both Joyce's compositional process in the synoptic text and the editors' own judgements and choices in constructing the established text in the footnoted apparatus and appended notes, Gabler's *Ulysses* exposes the inevitable limits of any edition and reveals the possibility of alternative constructions of a literary text. Gabler's synoptic text reflects one history of *Ulysses*—a history of its initial composition and evolving linguistic code. An alternative synoptic text might reflect, instead, a history of the initial production and evolving bibliographic code of *Ulysses* (McGann, 1985, p. 292). The possibility of alternative constructions suggests, in turn, the possibility of multiple authenticities that are based on the specific set of determinants under which an edition is prepared. Authorial intention is not abandoned as a rationale for the reconstruction of a literary text; it simply loses its status as the only legitimate rationale.

The debates about authorial and sociological approaches to the reconstruction of literary texts reflect changing perspectives about what con-

stitutes the “authentic” text, and serve to reinforce themes that emerged in the foregoing discussion about the restoration of art works: a growing awareness of the ambiguity of authorial intentions and the instability of literary texts; an increasing understanding that the authentic literary text is not shaped by authorial intentions so much as it is constructed by a particular editorial theory of authorial intentions; a movement away from the language of “purity” and “corruption” when speaking about authenticity; and a recognition of the presence of multiple intentionalities in a literary text that endures over time. As George Bornstein (1993) observes, textual critics are coming to understand that, “we cannot hope through textual scholarship to recover an ideal text like a well-wrought urn, but only to increase the self-awareness and internal consistency of the choices that we make in constituting the [literary text] for our own time” (p. 2).

### AUTHENTIC AS TRUSTWORTHY IN THE EYES OF THE LAW: BUSINESS RECORDS

*3.a. Entitled to acceptance or belief, as being in accordance with fact, or as stating fact; reliable, trustworthy, of established credit.*

The association of authenticity with the trustworthiness of records as statements of fact is embedded in the law of evidence in common law jurisdictions. Such association is located specifically in the rules governing the admissibility of business records. The legal criteria for assessing the trustworthiness of business records are similar in certain respects to the criteria for establishing the authenticity of art works and literary texts. Like art conservators and textual critics, judges and legislators are concerned with issues of fidelity. Unlike art conservators and textual critics, however, judges and legislators deal with pragmatic texts—records—that are assumed to reflect facts or events in the external world. The trustworthiness of a record as a statement of facts, therefore, rests primarily on its fidelity to an original event, namely, the event that gave rise to the record, rather than on any fidelity to an actual or constructed original artifact or text.<sup>15</sup>

Evidence law comprises the whole of the rules and principles that regulate the relevancy, admissibility, and weight of evidence in judicial proceedings. The purpose of such proceedings is to resolve legal disputes by establishing the truth of conflicting allegations; in other words, to discover “what really happened.” However, as Mark Cousins (1993) observes:

“Really” is used in a specialised sense. “Really” is what is relevant to the law, what is definable by law, what may be argued in terms of law and evidence, what may be judged and what may be subject to appeal. “Reality” as far as the law is concerned is a set of representations of the past, ordered in accordance with legal categories and rules of evidence into a decision which claims to rest upon the truth. But this truth of the past, the representations of events, is a strictly legal truth. (p. 132)

In the discussion that follows, we shall see how the legal interpretation of the trustworthiness of records is inextricably linked to the understanding of truth that is operative in the fact-finding process.

The contours of that truth are established at the outset by the rules governing the relevancy of evidence. Before evidence is admitted, it must be demonstrated that it is relevant, meaning that it bears directly upon the point or fact in issue and proves, or tends to prove, an alleged proposition. The legal notion of relevancy derives from the theory of logical relevancy, the first principle of which states,

knowledge of facts is always a matter of probabilities. We may acquire knowledge of matters of fact by drawing inferences from evidence, but these inferences can only alter the probability that some fact does or does not exist and can never establish with certainty that some fact does or does not exist. (Wigmore, 1983, vol. 1A, § 37.4)

Truth, by these lights, is defined as an acceptable degree of rational belief or “moral certainty” (Shapiro, 1991, pp. 7–8). The truth of any proposition is based on reasoning from the relevant evidence and measured, not in terms of absolute certainty, but rather in terms of probability, which will always be a matter of degree.

Inferences rest on generalizations—also known as evidential hypotheses—which are based on common sense experience or logic. Such generalizations assume the form of “relative frequency statements” which assert that an existent fact (i.e., the evidence) makes more or less probable the hypothetical fact (i.e., the alleged proposition) (Wigmore, 1983, vol. 1A, § 37.4).

Of course, any generalization, when applied to specific cases, necessarily possesses “a potential range of indeterminacy”; events are always inherently distinctive and a generalization is bound to be only a partial description of characteristics and tendencies that are to be found in reality (Wigmore, 1983, vol. 1A, § 37.7 at 1078). The “range of potential indeterminacy” that is inherent in all inferences and generalizations is not ignored by evidence scholars. Wigmore (1974), for example, points out that, while in some cases a generalization is “more a fiction than a fact,” it is, nevertheless, “a fiction which we can hardly afford in our law openly to repudiate.” (vol. 5, § 1632).<sup>16</sup> To function effectively as a societal mechanism for dispute resolution, the legal system requires at least the appearance of determinate and generalizable meanings and a minimum of ambiguity.

The determination of what constitutes relevant evidence revolves around a number of questions. Did an event occur or not? Do reports or allegations that an event has occurred correspond to the best evidence of the existence of such an event? Who and what are responsible for it? What are the lines of causality to be drawn in respect of the event? What degrees of responsibility do or can particular persons bear? (Cousins, 1993, p.

132) Given the centrality of the event, it is not surprising, therefore, that a key assumption of the law of evidence is that a piece of information is more likely to be true if it was produced close to the events that gave rise to the legal proceedings. Kim Lane Scheppelle (1998) describes this as the “ground-zero” theory of evidence. According to that theory, “The reliability and relevance of knowledge . . . are thought to lessen with distance in time and space from the original event. And reliable and relevant knowledge is the essential ingredient in the determination of truth” (p. 323). The ground-zero theory is reminiscent of the theory of the lost exemplar that is used in classical philology. Both theories assume that evidence generated closer to the original event is more accurate than evidence that was generated later.

As Scheppelle (1998) makes clear, the ground-zero theory is problematic for a couple of reasons. First, the notion that it is possible to recover the “original purity” of an event is fraught with epistemic frailties:

The idea about truth . . . is precisely that . . . one can find somehow untainted or “raw” description that then gets tainted or “cooked” in subsequent retellings. . . . [However], as Ludwig Wittgenstein reiterated perhaps most powerfully, seeing is never pure in the first place, but is always “seeing as.” In other words, the first version of events also has a perspective embedded in it, like with any other version of events. (pp. 333–334)

Moreover, because the theory assumes that relevant knowledge is concentrated at ground zero, it tends to deem irrelevant the broader social context for that event even though that context might provide a more adequate causal account of the event. In this way, the law of evidence privileges certain kinds of truth-claims while marginalizing others.

The principles of logical relevancy and the ground-zero theory of evidence are well illustrated in the legal rule that deals specifically with the trustworthiness of business records as statements of fact. This rule is called the *business records exception to the hearsay rule*. Business records are considered to possess what Wigmore (1974) calls “a circumstantial probability of trustworthiness.” The generalizations offered in support of that probability are threefold: firstly, the habit of making such records with regularity will prevent casual inaccuracies and counteract any temptation to misstatements; secondly, since the records are part of the regular course of business, an error or misstatement is almost certain to be detected; and, thirdly, if the persons who make the record are under a duty to an employer, they risk censure or dismissal for making inaccurate records (vol. 5, § 1522). The potential range of indeterminacy that affects these particular generalizations stems from the fact that they are based on the presumed record-keeping practices of a specific type of bureaucracy, that is, one characterized by a hierarchical authority structure and close super-

vision. However, such generalizations may not be translatable to records generated in bureaucracies that do not conform to this type.

The business records exception treats a record as a testimonial assertion of the facts contained in it. In keeping with the ground-zero theory, the trustworthiness of that testimony depends on the proximity of the witness (i.e., the author of the record) to the event in question (i.e., the facts stated in the record). Accordingly, a business record is admissible if it meets the following conditions: it was made in the usual and ordinary course of business; it was made at or near the time of the act, transaction, occurrence, or event being recorded; the person who observed the event and the person who recorded it were both acting under a business duty to observe that event and record it; and neither the observer nor the recorder had any motive to misrepresent the information in the record (Wigmore, 1974, vol. 5, § 1523–1530).<sup>17</sup>

The exception assumes that an objective reality is retrievable through subsequent representations of it and that there exists a straightforward and stable relationship between a representation (a record) and its referent (a pre-existent reality). Thus, a record that satisfies the conditions of the rule is taken to be an accurate reflection of that original event, free from the corruption of interpretation on the part of the observer and recorder. The apparent absence of overt interpretation provides the illusion that the record not only conveys fact, but is the embodiment of fact.<sup>18</sup>

However as we have already seen, the notion that any account of an event can be free of interpretation is erroneous. Even if some idea of the original event is retrievable through the record, the report itself does not exist outside of signification; it is filtered through a certain perspective. The record cannot be read transparently, for its writing is shaped by particular constraints that may remain invisible to us. In this respect, records are similar to art works and literary texts. That is, they are susceptible to multiple interpretations and could be said to possess multiple authenticities, depending on the circumstances of those interpretations.

The inferences and generalizations about what makes a business record trustworthy in the eyes of the law are thus partial in two senses: they are incomplete and they are also biased in favor of a particular perspective. This does not mean that these inferences and generalizations are necessarily invalid. It simply means that they reflect only one interpretation about the nature of records and bureaucratic record-keeping procedures. That interpretation is grounded in a presumed correspondence between a record and the reality it purports to represent; a presumption that reflects perhaps more than anything the legal system's need for stable and determinate referents.

Once a record has been admitted for consideration by the tribunal, its trustworthiness is tested again through examination and cross-examination. It is assumed that any weaknesses or deficiencies in the records that



were overlooked at the admissibility stage will be exposed upon cross-examination. Such assumption reflects the common law's faith in the adversarial process and its practice of cross-examination as the most effective means of establishing the trustworthiness of evidence in general and records in particular. In an adversarial process, the facts of the case are provided to the fact finder in the form of two alternating one-sided accounts. According to Dale Nance (1988), "a principal justification for the adversary process is that the self-interest of the parties will bring about a thorough investigation and vigorous clash of evidence from which the relatively detached trier of fact will best be able to discern the truth" (p. 235). The process of truth-discovery is symbolized here as a modern version of the medieval trial by battle.

Responsibility for weighing the evidence rests with the trier of fact, typically, a lay jury.<sup>19</sup> The weight of evidence refers to the believability or persuasiveness of evidence in supporting one side of a factual issue rather than the other (Black, 1990, *s.v.* weight of evidence). In assessing the weight of records, the jury must take into account their trustworthiness, not only in relation to the facts they are supposed to embody, but also in relation to other facts admitted in evidence. For that reason, a record may be deemed more trustworthy in one context and less trustworthy in another; its truth-value may shift as it is repositioned and recontextualized in relation to different sets of facts.

In recent years, evidence scholars have questioned the legal system's faith in the adversarial process as an effective means for testing the trustworthiness of evidence. The practice of allowing two adversaries to control the development of evidence at trial, for example, has been criticized by Nance (1988), who maintains that the evidence that is most advantageous to the litigant who is determined to win a trial does not always coincide with the evidence that a jury would find most helpful in the resolution of the factual issue. In other words, the "strategically best" evidence does not always coincide with the "epistemically best" evidence (p. 240). Nance's criticism is indicative of a growing recognition by evidence scholars that the presentation of evidence cannot escape theoretical shaping. Evidence is not simply presented to the tribunal for consideration; it is selected and shaped by the parties to conform to a particular narrative about what happened and why. This view of the fact-finding process is reflected in Richard Gaskins' (1992) observation that, while "legal issues are nominally about facts," in practice, they are more accurately characterized as "contests of persuasion concerning indeterminate matters" (p. 26).

It is not only the opposing parties who mold the evidence to fit a particular narrative; the evidence is also subjected to theoretical shaping by the lay jury in the process of weighing the evidence. The legal system's faith in the lay jury is grounded in a belief in the principle of "universal cognitive competence," which asserts that every normal and unbiased

person, given a proper presentation of all the relevant evidence about any factual issue, will come to the same conclusion about it.<sup>20</sup> According to Jonathan Cohen (1977), the principle presupposes that when individuals assume the role of jurors, they come equipped with a stock of commonly accepted generalizations about human behavior, as well as an awareness of the kinds of circumstances that either favor or oppose the application of such generalizations (p. 274).

The belief in a universal cognitive competence, however, does not accord with the understanding of human cognition that has emerged from research in several disciplines, among them philosophy of science, psychology, artificial intelligence, and literary theory. That research suggests that "it is impossible to see the world except through a lens shaped by our world experiences, culture and internal knowledge structures . . . the observer is not separate from the system being studied and . . . the act of observation or measurement alters the thing observed" (MacCrimmon, 1990, vol. 1, pp. 347–348). Empirical research by cognitive scientists into the juror decision-making process specifically suggests that jurors do not begin with objective knowledge and make reasoned inferences from the evidence based on a universally available stock of knowledge about the common course of events. Instead, they actively organize, elaborate, and interpret the evidence during the course of the trial into a narrative form. To interpret the evidence and fill in gaps, they use "schemas" or theoretical constructs, based on their individual experiences and background assumptions (Pennington & Hastie, 1986, pp. 242–258; Jackson, 1996, pp. 318–319). Drawing on this research, some evidence scholars argue that it is not possible for jurors to determine the truth of what happened; the best they can do is to fit the evidence to a theory or story about what happened (Jackson, 1988). Other evidence scholars, while accepting that theoretical constructs of various kinds shape and structure the juror's perception of the evidence, maintain that the obverse is also true, that is, the theoretical shaping of evidence is dependent on events or states of affairs that are accepted as genuine facts (Tillers, 1988). Although the recent evidence scholarship reflects differing perspectives on the relationship between evidence and theory, there is general agreement on one point, namely, "that evidence may be partitioned in different ways and that how we partition and see evidence depends on the theoretical perspectives with which we approach it" (Tillers, 1988, p. 317).

The themes that have emerged in the course of this discussion echo themes we have encountered in earlier sections. Firstly, the notion of an authentic record in evidence law (in the sense of a trustworthy statement of facts), like the notion of an authentic art work or literary text, is shaped to a considerable degree within a specific social and institutional framework; its authenticity does not inhere in the record itself but is actively constructed in accordance with the theoretical and methodological as-

sumptions operative within that framework. Viewed from this perspective, the legal rules of evidence may be described more accurately as “socially constructed narratives” (Jackson, 1988, p. 3). The business records exception, for example, constitutes a narrative about bureaucratic record-keeping practices, one that is contingent upon a particular view of bureaucracy. Secondly, within the fact-finding process itself, the notion of what constitutes a trustworthy record is not fixed and stable; it shifts as it is resituated and recontextualized in relation to other facts and evidence. This suggests that records, like art works and literary texts, are open to different interpretations and, thus, different authenticities, depending on the interpretive framework. The notion of what constitutes a trustworthy record in the eyes of the common law is shaped by a particular perspective on the nature of truth and the best means of discovering it. It does not, in principle, undermine alternative notions of what makes a record trustworthy that may be shaped by different perspectives.

#### AUTHENTICITY AND THE PRESERVATION OF DIGITIZED AND BORN-DIGITAL RESOURCES

As we have seen, authenticity is a social construct that has been employed by a number of disciplines to help structure their particular environments. We have examined how being authentic can mean responding in our own individual ways to the everyday changes in the world; we have discussed how conserving an authentic work of art necessarily entails the erasure of one of the many traditions that intersect across the original, all of which could be deemed crucial to its authenticity. We have seen how the identity of a definitively authentic text can be problematized; and we have explored how the legal notion of what constitutes a trustworthy record privileges certain kinds of truth-claims while marginalizing others. By looking across the disciplines, we have discovered that authenticity itself is a creature of circumstance. What it means to be authentic continues to change, and the parameters and content of authenticity are always under negotiation. Authenticity provides a semblance of stability and a mode by which each disciplinary area can function.

The digital environment resists the imposition of traditional structures of stability because it dramatically accelerates the process of change. It is precisely this dynamic characteristic of digital technology that has been the source of anxiety for librarians and archivists. To be sure, they are accustomed to change of other sorts. For instance, paper deteriorates naturally, but its slow process of deterioration affords a semblance of stability that is absent from the digital medium. Although librarians and archivists have never exercised absolute control over the natural deterioration of parchment and paper holdings, these resources can and have been declared authentic. In a similar way, librarians and archivists cannot exercise absolute control over how different computers running different software

will render their digital holdings over time. This failing does not mean that there is no structure by which to preserve these resources, by which trust could be garnered, or by which authenticity could be invoked, but rather that the criteria for assessing the authenticity of digital materials must tolerate a range of variability befitting the situation. In the same way that the criteria for assessing the authenticity of traditional materials account for the transformative effects of time, such as the natural decomposition of paper, so too should the criteria for assessing digital materials acknowledge the inevitability of change.

The preservation of “authentic” digital materials is perceived to have been made more difficult by the technology itself, which promotes the proliferation of multiple and simultaneous instantiations. For which of these instantiations falls under the responsibility of the librarian or archivist, and what constitutes its authenticity? Because these questions cannot be answered with any specificity, the management of digital materials may involve shifting the prevailing attitude from an approach that is characterized by constriction to one of expansion.

As we have discussed, it has been the scholarly tradition to trace the lineage of art and text to identify their variants, and the work of librarians and archivists has been to support this endeavor. However, this enterprise no longer has the same value when applied to digital materials. Digital resources may now be copied endlessly with no discernible loss of quality. As W. J. Mitchell (1992) observes:

In general, computer files are open to modification at any time, and mutant versions proliferate rapidly and endlessly. . . . So we must abandon the traditional conception of an art world populated by stable, enduring, finished works and replace it with one that recognizes continual mutation and proliferation of variants. (pp. 51–52)

There is no final act of closure in the digital environment that corresponds to the traditional notion of “publication,” indicating the final, finished piece. Rather, the “publication” of a digital work might entail the opposite—that it is now open and ready for the copying.

In his discussion of digital images, Mitchell (1992) argues that it might be more useful to understand these materials as allographic rather than autographic; namely, digital images, because they are digital, enable and encourage duplication. The same could be said for most digital resources that fall under the purview of librarians and archivists. He writes:

We might best regard digital images, then, neither as ritual objects (as religious paintings have served) nor as objects of mass consumption (as photographs and printed images are in Walter Benjamin’s celebrated analysis), but as fragments of information that circulate in the high-speed networks now ringing the globe that can be received, transformed, and recombined like DNA to produce new intellectual structures having their own dynamics and value. (Mitchell, 1992, p. 52)

It is part of the character of these resources to be copied and reinterpreted in different contexts. Thus, if one of the qualities of digital materials is to be allographic, that is, to enable copying and manipulation and to be used in different ways and for different purposes, this aspect may need to be accommodated in the process of preservation.

In addition to the allographic nature of digital resources, which involves multiple and simultaneous intentionalities, also brought to the fore is their polysemic<sup>21</sup> character. That is, in addition to their ability to support multiple and simultaneous intentionalities, they also encourage multiple, simultaneous, and possibly dissonant meanings. For instance, the debate about authorial and sociological approaches to textual criticism has resulted in an expansion of the boundaries of editorial theory and exercised a substantial influence on the way scholarly editions are envisaged and prepared using digital technologies. The vision of scholarly editions presented by proponents of the sociological approach to textual criticism emphasizes variability over fixity of meaning, open-ended representation over closed representation, and the process of editing over its product. The World Wide Web is viewed as the ideal vehicle for exploiting this vision of multiple intentionalities, multiple meanings, and multiple authenticities.

It is indeed the place of librarians and archivists to place a structure of stability over what seems to be an endless flow of infinite possibilities. Some resources will require different modes of stabilization than others. Some resources may require more stabilization than others; this will depend on what the material in question is, and wherein its capacity to generate consequences is located. For a digital work of art, its capacity to generate consequences may lie in it remaining allographic and polysemic; one of its most important intentions may be to provoke action, reaction, adoption, manipulation, and absorption. Meanwhile, the capacity of a business record to generate consequences may lie in its text remaining fixed; one of its most important intentions may be to provoke action by the words that it carries.

The foregoing discussions have highlighted the fact that authenticity is not a fixed notion, but is an idea that is shaped by a range of factors; the meaning of authenticity changes depending on its context and purpose. The authenticity of digital materials, correspondingly, cannot be defined in any monolithic sense. Just as people, art, text, and records possess their own kinds of authenticity, each digital resource will also have its own authenticity or indeed authenticities. In order to support this expansion of intentions, meanings, and authenticities, librarians and archivists can recognize and advertise their own agency in the management of digital resources.

Librarians and archivists are not neutral preservers of digital resources, but active agents in the reconstitution of these resources over time. The

decisions that they make about preservation determine how the materials will be accessed, read, and understood by users. For that reason, their decisions should be made known: Which intentions and which meanings have been privileged and preserved, and for what reason? Librarians and archivists may be loath to show themselves so visibly in the process of preservation, but there may be growing pressure to do so because, as Mitchell observes, "There is an erosion of traditional boundaries between artist or photographer, editor, archivist, publisher, republisher, and viewer" (1992, p. 53). As these traditional boundaries erode, it is increasingly important that the custodians distinguish their intentions from the multitude of others that intersect across the digital materials in their care.

If the process of preservation is made visible, users are better equipped to make an informed decision about whether the materials meet their specific requirements for authenticity. Users play a critical role in assessing the nature and degree of trustworthiness that these materials ought to be accorded in particular circumstances; this is because their assessment is based on a wider range of considerations than are typically taken into account by the preserver. The procedures that librarians and archivists establish for preserving the authenticity of digital resources are thus merely a starting point in a socially negotiated and historically situated process of assessment.

Perhaps the most important conclusion that librarians and archivists may draw from this exploration of different constructions of authenticity is that digital resources, like art works, literary texts and business records are in a continuous state of becoming as they are situated and resituated, initially within their original environments and subsequently within libraries and archives. The long-term preservation of "authentic" digital resources is, equally, an ongoing process in which librarians and archivists construct and reconstruct authenticity in accordance with their understanding of the nature of those resources and current conventions for managing them. That understanding is shaped, in turn, by socially constructed perceptions of the role of libraries and archives in the preservation of cultural heritage, and those perceptions also change over time.

## NOTES

1. See, for example, United Nations Educational, Scientific and Cultural Organization (2003).
2. Among others, Barwell (2005); Bearman & Trant (1998); Bradley (2005); Cullen, Hirtle, Levy, Lynch, Rothenberg, & Smith (2000); Duranti (1995); Gränström, Hornfeldt, Peterson, Rinaldi Mariani, Schäfer, & Zwicker (2002); MacNeil (2000); Park (2001); and Task Force on the Artifact in Library Collections (2001).
3. See also Starn (2002). A survey conducted by Duff, Craig, & Cherry found that, while almost three-quarters of respondents (71% percent) "always" or "often" question the reliability of archival resources (reliability being defined by the researchers as "the degree to which the record accurately reflects what happened"), fewer than one-fifth of respondents (18% percent) "always" or "often" question the authenticity of archival sources (authenticity being defined by the researchers as "a record that has not been altered or changed

- since its original creation") (Duff, Craig, & Cherry, 2004, pp. 67–70, 77); see also Cullen (2000, pp. 3–4); and Hedstrom, Lee, Olson, & Lampe (2006).
4. See, for instance, Gränström et al. (2002, p. 10); and Smith (2003, p. 181). See also Cullen et al. (2000).
  5. For instance, Duranti (2005); Duranti & MacNeil (1996, pp. 46–67); Gladney & Bennett (2003).
  6. This and subsequent definitions in the subheadings are from *Oxford English Dictionary Online* (2006), *s.v.* authentic.
  - <sup>7</sup> 7. See, for example, Hegel (1807/1931).
  8. For instance, Sartre (1943/1956); Camus (1951/1967 & 1942/1982).
  9. On this matter, see, for example, Carrier (1985); Dutton (2003); Dykstra (1996); Lowenthal (1986).
  10. See, for example, Eggert (1994, p. 68).
  11. As Benjamin (1936/1968) observes, "Precisely because authenticity is not reproducible, the intensive penetration of certain (mechanical) processes of reproduction was instrumental in differentiating and grading authenticity. To develop such differentiations was an important function of the trade in works of art. . . . To be sure, at the time of its origin a medieval picture of the Madonna could not yet be said to be 'authentic.' It became 'authentic' only during the succeeding centuries. . . ." (p. 243, n. 2).
  12. The stages of *recensio*, *examinatio*, and *emendatio*. On the transmission of texts in general, see Reynolds & Wilson (1991, pp. 207–241).
  13. The enumeration of variants that follows is based on Kiberd (1992), from his brief history of the text, pp. lxxxi–lxxxiii. The Penguin Classics version is based on the 1960 Bodley Head edition.
  14. See, for example, Bornstein & Williams (1993) and P. Cohen (1991). For an exhaustive review of this literature, see Tanselle (1996, pp. 2–61).
  15. The law of evidence also deals with the authenticity of records *as* records, but that is not the focus of the present discussion. For a description and analysis of the common law rules of evidence that address the authenticity of records *as* records see MacNeil (2000, pp. 46–50).
  16. The specific case to which Wigmore refers is the presumption of due performance of official duty that explicitly underpins the admissibility of public documents and implicitly underpins the business records exception to the hearsay rule.
  17. The rule governing the admissibility of records of regularly conducted activity is codified in the United States House of Representatives Committee on the Judiciary (2005, rule 803(6), p. 16). The admissibility is supported by an oral or written declaration by the custodian or other qualified witness that the record meets these conditions.
  18. On this point in general, see Latour & Woolgar (1986).
  19. It is recognized that adjudication of the facts at issue may also fall within the purview of a judge, that is, in the case of trial by judge. However, for the purposes of this discussion, it is assumed that the trier of fact is a lay jury. In this discussion the terms "trier of fact" and "tribunal" are used interchangeably.
  20. The principle is discussed by Cohen (1983), who also coined the term "universal cognitive competence."
  21. "Polysemic" is one of the adjectives used by Shillingsburg (1993) to describe the changing nature of texts in electronic environments.

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